IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

WP(C).No. 33096 of 2007(M)

PETITIONERS:

1.K.UNNIKRISHNAN,S/O. VASU,
KAKKATTIL HOUSE, VALAMKULAM, P.O.ANAMANGAD,
PERINTHALMANNA.

2.KARAPPAN, S/O. LATE AYYAPPAN,
MALANKOTTA HOUSE, MEKKARAVU,
VALAMKULAM, PO.ANAMANGAD, PERINTHALMANNA.

3.KHALID HAJI P.K.
S/O. POKER HAJI, VARAD AMSOM, VALAMKULAM,
PERINTHALMANNA TALUK.

4.AYISHA, D/O.POKER HAJI,
VARAD AMSOM, VALAMKULAM, PERINTHALMANNA.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

RESPONDENTS:

---

1. BIJU SEBASTIAN @ THANKACHAN
S/O. DEVASSIYA, KALLUKALAYIL HOUSE
VALAMKULAM, AMMINIKKAD P.O.,
PERINTHALMANNA 679 322
MALAPPURAM DISTRICT.

2. THE SECRETARY,
ALIPARAMBA GRAMA PANCHAYAT
PARAL, P.O. THOOTHA 679 357
MALAPPURAM DIST.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.33096 of 2007

- -

Dated: 7th November, 2007

JUDGMENT

I do not propose to go into the merits of the grounds raised. The request which is now urged before me by the counsel for the petitioners is that while the Panchayat is taking decision on the licence application submitted by the 1st respondent pursuant to the directions in the judgment in W.P.C.No.22153 of 2007, they also should be allowed a hearing opportunity. My judgment in W.P.C.No.22153 of 2007 will show that at that time the complainant was one Darmapalan and I had directed the authorities to hear Darmapalan also before decision is taken on the licence application submitted by the 1st respondent. Learned counsel for the petitioners submits that there is some collusion between the 1st respondent and Darmapalan and that the petitioners being immediate neighbours will be prejudiced unless they are also heard. Without deciding the genuineness of the grievances voiced, I dispose of the Writ Petition issuing the following directions:

If the 2nd respondent has not so far taken a decision on the licence application submitted by the 1st respondent pursuant to the judgment in W.P.C.No.22153 of 2007, the 2nd respondent will hear a

representative of the four petitioners herein also before taking decision. The petitioners shall produce a copy of this judgment before the 2nd respondent as soon as they receive the same. They will also send another copy of this judgment by registered post with acknowledgement due to the 1st respondent.

srd **PIUS C.KURIAKOSE, JUDGE**